

PATENT



Application Serial No.: 09/260,437
Attorney Docket No.: 98-116

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: WALKER et al.

Serial No.: 09/260,437

Filing Date: March 2, 1999

For: METHOD AND APPARATUS FOR
FACILITATING THE SALE OF
SUBSCRIPTIONS TO PERIODICALS

) Examiner: Jeffrey D. Carlson

) Group Art Unit: 3622


) Attorney Docket No: 98-116

) **CUSTOMER NO.: 22927**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Priority mail in an envelope with sufficient postage and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 11.22.05 By:


Michael D. Brinton

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as (i) a representation that a thorough search has been made; (ii) an admission that the information cited

is, or is considered to be, material to patentability; (iii) an admission that no other material information exists; or (iv) an admission that Applicants agree with any statement(s) in the information cited. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items listed on the enclosed copy of Form PTO-1449 and to independently ascertain their teaching.

1. ☐ Applicants respectfully direct the Examiner's attention to the pending U.S. patent applications listed on the enclosed Form PTO-1449. The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. Applicants would be pleased to provide the Examiner with a copy of these applications upon request.
2. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____.
3. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____.
4. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

- ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
- ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
- ☐ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.
- ☐ 37 CFR §1.97(b)(4), before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
5. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 10 below.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and

- b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 10 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
- ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
- ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
9. ☐ I hereby certify:
- ☐ that each item of information contained in the items listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.
- ☐ that no item of information contained or listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10. ☐ Please accept payment of the fees due as indicated below:

☐ A check in the amount of \$180.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).

☐ The Commissioner is hereby authorized to charge \$180.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p).

11. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

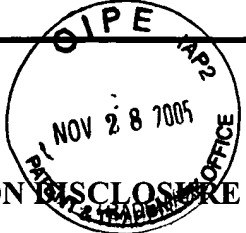
12. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed concurrently with a Request for Continued Examination.

Respectfully submitted,



November 22, 2005
Date

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 INFORMATION DISCLOSURE CITATION				Docket Number		Serial Number	
				98-116		09/260,437	
				Applicants			
				WALKER et al.			
				Filing Date		Group Art Unit	
				March 2, 1999		3622	

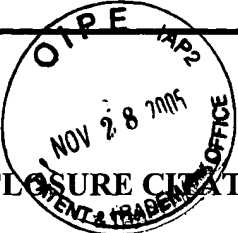
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
		5,324,922	06/28/94	Roberts	235	375	
	A	4,253,157	02/24/81	Kirschner et al.	364	900	
	B	5,428,606	06/27/95	Moskowitz	370	60	
	C	5,694,546	12/02/97	Reisman	395	200.9	
	D	5,794,210	08/11/98	Goldhaber et al.	705	14	
	E	5,926,796	07/20/99	Walker et al.	705	16	
	F	6,014,641	01/11/00	Loeb et al.	705	34	
	G	US 6,229,879 B1	05/08/01	Walker et al.	379	88	
	H	US 6,317,723 B1	11/13/01	Walker et al.	705	16	
	I	US 6,334,112 B1	12/25/01	Walker et al.	705	23	

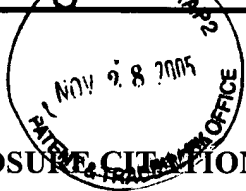
FOREIGN PATENT DOCUMENTS								
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							Yes	No
	J	7-231309	08/29/95	Japan				
	K	FR 2 757 656 - A1	06/26/98	France				

OTHER DOCUMENTS <i>(Including author, Title, Date, Pertinent Pages, Etc.)</i>		

EXAMINER	DATE CONSIDERED:
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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	M	5,324,922	06/28/94	Roberts	235	375		
	N	5,415,264	05/16/95	Menoud	194	217		
	O	5,428,606	06/27/95	Moskowitz	370	60		
	P	5,630,103	05/13/97	Smith et al.	395	500		
	Q	5,694,546	12/2/97	Reisman	395	200.9		
	R	5,794,210	08/11/98	Goldhaber et al.	705	14		
	S	5,926,796	07/20/99	Walker et al.	705	16		
	T	6,014,641	01/11/00	Loeb et al.	705	34		
	U	6,021,390	02/1/00	Satoh et al.	705	1		
	V	6,229,879 B1	05/8/01	Walker et al.	379	88		
FOREIGN PATENT DOCUMENTS								
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							Yes	No
	W	WO 98/06050	02/12/98	PCT				
	X	WO 98/28699	07/02/98	PCT				
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EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	Y	5,991,739	11/23/99	Cupps et al.	705	26	
	Z	6,021,390	02/01/00	Satoh et al.	705	1	
	AA	6,024,288	02/15/00	Gottlich et al.	235	493	
	BB	6,024,288	10/26/99	Giuliani et al.	705	14	
	CC	6,222,914 B1	04/24/01	McMullin	379	144	
	DD	4,839,507	06/13/89	May	235	381	
	EE	4,982,346	01/01/91	Girouard et al.	364	550	
	FF	5,025,372	06/18/91	Burton et al.	364	406	
	GG	5,056,019	10/08/91	Schultz et al.	364	405	
	HH	5,189,607	02/23/93	Shirasaki et al.	364	405	
	II	5,202,826	04/13/93	McCarthy	364	405	

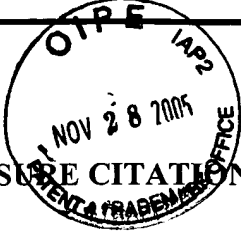
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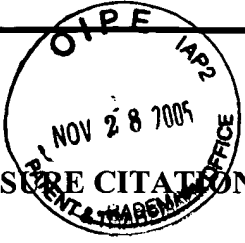
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EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E
	JJ	5,287,268	02/15/94	McCarthy	364	405	
	KK	5,315,093	05/24/94	Stewart	235	381	
	LL	5,353,218	10/04/94	DeLapa et al.	3364	401	
	MM	5,450,938	09/19/95	Rademacher	194	206	
	NN	5,537,314	07/16/96	Kanter	364	406	
	OO	5,642,484	06/24/97	Harrison, III et al.	395	214	
	PP	5,655,007	08/05/97	McAllister	379	91.01	
	QQ	5,689,100	11/18/97	Carrithers et al.	235	380	
	RR	5,708,782	01/13/98	Larson et al.	395	214	

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	SS	5,812,769	09/22/98	Graber et al.	705	26	
	TT	5,845,259	12/01/98	West et al.	705	14	
	UU	5,864,822	01/26/99	Baker, III	705	14	
	VV	5,923,016	07/13/99	Fredregill et al.	235	380	
	WW	5,937,391	08/10/99	Ikeda et al.	705	14	
	XX	5,956,695	09/21/99	Carrithers et al.	705	14	
	YY	5,991,740	11/23/99	Messer	705	27	
	ZZ	5,995,942	11/30/99	Smith et al.	705	14	
	AAA	5,999,914	12/07/99	Blinn et al.	705	26	
	BBB	6,016,504	01/18/00	Arnold et al.	705	26	
	CCC	6,029,139	02/22/00	Cunningham et al.	705	10	

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	DDD	6,029,141	02/22/00	Bezos et al.	705	27	
	EEE	6,061,660	05/09/00	Eggleston et al.	705	14	
	FFF	4,876,592	10/24/89	Von Kohorn	358	84	

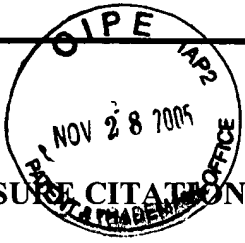
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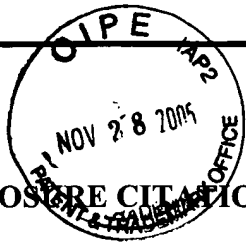
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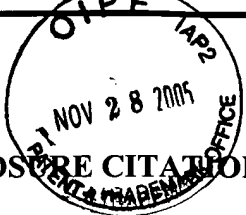


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		Applicants			
		WALKER et al.			
		Filing Date	March 2, 1999	Group Art Unit	3622
	GGG	"Magazine Subscription Sales Center - Where buying subscriptions is easy!", Customer Service Information, Interactive Magazine Sales, Inc, Email: aim@panix com.			
	HHH	"Phoenix Papers to Sell Merchandise to Build Awareness", Editor & Publisher, September 17, 1988, Vol. 121, Issue 38, pg. 23, ISSN: 0013-094X.			
	III	Carlson, Lynn, "Decreasing Your Direct-Mail Costs", Folio: The Magazine for Magazine Management, September 1, 1992, Vol. 21, Issue 9, pp. 81-82, ISSN: 0046-4333.			
	JJJ	Hochwald, Lambeth, "Sub sources that break with tradition", Folio: The Magazine for Magazine Management, May 1, 1994, Vol. 23, Issue 8, pp. 46-48, ISSN: 0046-4333.			
	KKK	Kelly, Keith J., "Hearst opens a cyberspace newsstand", Advertising Age, January 30, 1995, Vol. 66, Issue 5, pg. 14, ISSN: 0001-8899.			
	LLL	Kelly, Keith, J., "Publishers pine for cyber-profits", Advertising Age, March 13, 1995, Vol. 66, Issue 11, p. S-22, ISSN: 0001-8899.			
	MMM	"Hearst Corporation launches 'The Multimedia Newsstand'", Link-Up, March/April 1995, Vol. 12, Issue 2, pp. 1, 36, ISSN: 0739-988X.			
	NNN	Hodges, Jane, "'WSJ' puts squeeze on Web subscriptions", Advertising Age, April 29, 1996, Vol. 67, Issue 18, pg. 34, ISSN: 0001-8899.			
	OOO	Tedesco, Richard, "Time launches 'Net subscription service'", Broadcasting & Cable, November 11, 1996, Vol. 126, Issue 47, pg. 65, ISSN: 1068-6827.			
	PPP	Case, Tony, "The electronic newsstand branches out", Folio: The Magazine for Magazine Management, April 1, 1997, Vol. 26, Issue 5, pg. 13, ISSN: 0046-4333.			
	QQQ	Krol, Carol, "Magazine site to focus on commerce", Advertising Age, August 18, 1997, Vol. 68, Issue 33, pg. 18, ISSN: 0001-8899.			
	RRR	Manly, Lorne, "A Newsstand for the Electronic Age?", ABI/Inform, Global Edition, September 15, 1993, pg. 17.			
	SSS	Lacher, Lisa, "Coupon Gimmick Registers Profits", Business Record, December 7, 1987, pg. 1.			
	TTT	Stevens, Lawrence, "Hypermarket Challenge", Computerworld, December 19, 1988, pg. 25.			
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UUU	"Safeway Introduces Store-Generated Coupons", PR Newswire, May 1, 1990.		
VVV	Blattenberg, Robert C. et al., "Interactive Marketing: Exploiting the Age of Addressability", Sloan Management Review, September 22, 1991, pg. 5.		
WWW	McDowell, Bill, "Frequency Marketing Builds Repeat Business; Management", Building Supply Home Centers, August 1993, No. 2, Vol. 165, pg. 96.		
XXX	McKinney, Jeff, "Merchants Program Could Pay Off for Provident", The Cincinnati Enquirer, March 24, 1996, Financial Section, pg. 2.		
YYY	Wagner, Jim, "Cameras Tell Mall What Door You Use, How Often You Go", Albuquerque Tribune, August 9, 1996, Evening Section, pg. A3.		
ZZZ	Fickenscher, Lisa, "AMEX to Start Rewards Program with Discounts on Merchandise", The American Banker, October 18, 1996, Credit/Debit/ATMs, pg. 10.		
AAAA	Fitzgerald, Kate, "AMEX Program Moves Loyalty to Next Level: Custom Extras Finds A Medium Customers Can't Ignore, Billing Statements", Advertising Age, November 4, 1996, News Section, pg. 2.		
BBBB	"Tecmark Reward Terminal", Tecmark Services, Inc., (http //www tecmarkinc com/terminal htm), download date: March 20, 1997.		
CCCC	Fickenscher, Lisa, "Merchant: American Express Seeks to Mine Its Data on Cardholder Spending Patterns", The American Banker, March 24, 1997, Credit/Debit/ATMs Section, pg. 20.		
DDDD	"Dispensing the Future", Electronic Payments International, May 1997, Feature Section, pg. 12.		
EEEE	"Industry Briefs", Card News, June 9, 1997, Vo. 12, No. 11.		
FFFF	Hoeschen, Brad, "Brookfield Square Hopes Mall Card Strikes a Chord", Business Journal – Milwaukee, September 12, 1997, Vo. 14, No. 50, pg. 19.		
GGGG	"Acxiom Case-in-Pont Case Study – Bloomingdale's", Acxiom, (http www acxiom com-cs-b htm), download date: September 23, 1997.		
<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">EXAMINER</td> <td style="width: 50%;">DATE CONSIDERED:</td> </tr> </table>		EXAMINER	DATE CONSIDERED:
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HHHH	"NCR 7452 Workstation – Beyond Traditional POS", NCR Corporation, (http //www ncr com/product/retail/products/catalog/7452 shtm), download date: September 23, 1997.
IIII	"New Partners, More Exciting Rewards: The Membership Rewards Program for 1998", American Express, (http www Americanexpress com/rewards/news/docs/1998new _mr.shtml), download date: March 12, 1998.
JJJJ	Hemsley, Steven, "Research and Destroy; Point-of-Purchase Research Provides Brand Managers with Essential Information About Customer Trends and Enables Them to Achieve the Maximum from their Displays", Marketing Week, April 16, 1998, Point-of-Purchase Selection, pp. 33-36.
KKKK	"MyPoints Universal Rewards Currency", MotivationNet, Inc. Brochure, April 1998.
LLLL	"Wells Park Group Launches 'V.I.P. Rewards'; the Most Comprehensive Relationship Marketing Program Ever Created by a Mall Developer", Business Wire, May 19, 1998,
MMM M	Amato-McCoy, Deena, "Co-Branded ACME Credit Card Rewards Loyal Users", Supermarket News, June 15, 1998, pg. 17.
NNNN	"ACME Markets, U.S. Bancorp Debut Visa Rewards Card", Card News, June 22, 1998, Vol. 13, No. 12.
OOOO	Rubenstein, Ed, "Prepaid Program Lets Galleria Guests Dine 'A La Card'", Nations Restaurant News, June 29, 1998, pg. 43.
PPPP	"DataCard Partners with CSI to Offer Card-Based Loyalty Solution to Merchants", Business Wire, July 9, 1998.
QQQQ	Albright, Mark, "Grocery Savings via Web Coupons", St. Petersburg Times, July 22, 1998, Wednesday O South Pinellas Edition, Business Section, pg. 1E.
RRRR	"Reaching Out in New Directions", Introducing U\$A Value Exchange", First Data Corporation, Brochure.
SSSS	"Frequent Shopper Programs are Taking Off", Grocery Marketing, Vo. 63, No. 1, pg. 54, January 1997.

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